

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

LINDA TUCKER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV418BA

**FRIENDS OF CHILDREN OF MISSISSIPPI
and MARVIN HOGAN, in his individual and
official capacity**

DEFENDANTS

ORDER

This matter came before the court on the Defendants' Motion to Stay Proceedings Pending Adjudication of their Motion to Dismiss Plaintiff's Complaint. The basis of the Motion is the Defendants' recent filing of a Motion to Dismiss on grounds that Plaintiff's claims are preempted by the exclusive jurisdiction of the National Labor Relations Board. While the court is normally reluctant to delay a case because a defendant believes his dispositive motion will be granted, in this case, the court is of the opinion that good cause exists to do so, for two reasons. First, Friends of Children is a non-profit human services agency operating that would be required to divert funds for litigation expenses. Second, the court has reviewed the docket and notes that the Plaintiff has not submitted a timely response to the Motion to Dismiss, suggesting that she may not pursue her claims.

IT IS, THEREFORE, ORDERED that the Defendants' Motion to Stay Proceedings Pending Adjudication of their Motion to Dismiss Plaintiff's Complaint is hereby **granted**, and this matter will be stayed pending a decision on the Motion to Dismiss. Counsel for the Defendants shall notify the undersigned of that decision within ten days after its entry.

IT IS SO ORDERED, this the 8th day of February, 2007.

S/Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE